



DOCKET NO.: TIBO-0003/TIP0013CON

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Wang, et al.

Confirmation No.: 4013

Application No.: 10/606,342

Group Art Unit: 1625

Filing Date: June 25, 2003

Examiner: Owens, Amelia A.

For: HEXAHYDROFURO[2,3B]FURAN-3-YL-N-{3-[(1,3-BENZODIOXOL-5-YL  
SULFONYL)(ISOBUTYL)AMINO]-1-BENZYL-2-  
HYDROXYPROPYL}CARBAMATE AS RETROVIRAL PROTEASE  
INHIBITOR

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT

The owner, the Government of the United States represented by the Secretary, Department of Health and Human Services: National Institutes of Health, Office of Technology Transfer, a joint assignee of the entire in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,649,651. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently

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DOCKET NO.: TIBO-0003/TIP0013CON- 2 -

PATENT

shortened by any terminal disclaimer, in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

*(Check either box 1 or 2 below, if appropriate)*

☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

☒ The required statement under 37 CFR § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## STATEMENT UNDER 37 CFR § 3.73(b)

The Government of the United States represented by the Secretary, Department of Health and Human Services: National Institutes of Health, Office of Technology Transfer, a corporation of the United States,

states that it is:

- ☐ the assignee of the entire right, title, and interest; or  
☒ a joint assignee of the entire right, title, and interest;

in the patent application/patent identified above by virtue of either:

1. ☒ An assignment from the inventor(s) of the patent application/patent identified above.
- ☒ 1. The assignment was recorded in the Patent and Trademark Office at Reel 013649 Frames 0432 and 0476.
- ☐ 2. The assignment has not yet been recorded. A copy of the assignment is attached.

OR

2. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:
- From:            To:            The document was recorded in the Patent and Trademark Office at Reel            , Frame(s)            , or for which a copy thereof is attached.
- From:            To:            The document was recorded in the Patent and Trademark Office at Reel            , Frame(s)            , or for which a copy thereof is attached.
- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☐ Copies of assignments or other documents in the chain of title are attached.


DOCKET NO.: TIBO-0003/TIP0013CON- 4 -

PATENT

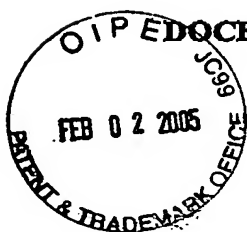
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Government of the United States represented by the  
Secretary, Department of Health and Human Services:  
National Institutes of Health, Office of Technology Transfer

Date: Feb 2, 2005

  
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Sr. Patent Attorney Reg. #. 45,634

National Institutes of Health  
Office of Technology Transfer  
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Rockville, MD 20852



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Application No.: 10/606,342

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HYDROXYPROPYL}CARBAMATE AS RETROVIRAL PROTEASE INHIBITOR

Confirmation No.: 4013

Group Art Unit: 1625

Examiner: Owens, Amelia A.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**

The owner, Tibotec Pharmaceuticals, Ltd., a joint assignee of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,649,651. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all

**DOCKET NO.: TIBO-0003/TIP0013CON2****PATENT**

claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

*(Check either box 1 or 2 below, if appropriate)*

☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

☒ The required statement under 37 CFR § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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**DOCKET NO.: TIBO-0003/TIP0013CON3****PATENT****STATEMENT UNDER 37 CFR § 3.73(b)**

Tibotec Pharmaceuticals, Ltd., a corporation of Dublin, Ireland,

states that it is:

- ☐ the assignee of the entire right, title, and interest; or  
☒ a joint assignee of the entire right, title, and interest;

in the patent application/patent identified above by virtue of either:

1. ☒ An assignment from the inventor(s) of the patent application/patent identified above.
- ☒ 1. The assignment was recorded in the Patent and Trademark Office at Reel 013649, Frame(s)0447.
- ☐ 2. The assignment has not yet been recorded. A copy of the assignment is attached.

OR

2. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:
- From:            To:            The document was recorded in the Patent and Trademark Office at Reel            , Frame(s)            , or for which a copy thereof is attached.
- From:            To:            The document was recorded in the Patent and Trademark Office at Reel            , Frame(s)            , or for which a copy thereof is attached.
- From:            To:            The document was recorded in the Patent and Trademark Office at Reel            , Frame(s)            , or for which a copy thereof is attached.
- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

**DOCKET NO.: TIBO-0003/TIP0013CON4****PATENT**

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

**TIBOTEC PHARMACEUTICALS, LTD.**

Date: 2 February 2005



Signature

Name: Frank F. Daelemans

Title: Proxy Holder,

Tibotec Pharmaceuticals, Ltd.

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